

## **REMARKS**

Claims 1-72 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 103(a) Rejections:**

The Examiner rejected claims 1-5, 7-18, 23-56, 60-66, 68, 69 and 72 under 35 U.S.C. § 103(a) as being unpatentable over Horman (U.S. Patent 6,785,706) in view of Mossman (U.S. Publication 2002/0124061), and claims 6, 19-22, 57-59, 67 and 71 as being unpatentable over Horman in view of Mossman and in further view of Shafron et al. (U.S. Publication 2003/0014479) (hereinafter “Shafron”). Applicant respectfully traverses these rejections for at least the following reasons.

**Regarding claim 1, contrary to the Examiner’s assertion, Horman in view of Mossman fails to teach or suggest *accessing a plurality of configuration files on the intelligent device, wherein each of the one or more configuration files includes configuration information for one of a plurality of software components of the intelligent device*.** The Examiner cites Horman (abstract; column 1, line 66 – column 2, line 6). However, these citations describe an administrative control server configured to change the configurations of administered servers according to synchronization instructions generated from configuration information stored on the administrative control server. **There is nothing in these citations, or elsewhere in the combination of Horman and Mossman, to teach or suggest accessing a plurality of configuration files on the intelligent device (for which a batch configuration document is generated), as recited in claim 1.** Also, there is nothing in the combination of Horman and Mossman to teach or suggest one or more configuration files, each **including configuration information for one of a plurality of software components of the intelligent device, as recited in claim 1.** The configuration information stored on the administrative control server of Horman instead includes items describing server configurations, such as which administered servers are in the environment, the group

each administered server belongs to, and which version of end-user applications an administered server is running (column 5, line 64 – column 6, line 5), not information for configuring individual software components on an intelligent device.

The Examiner admits, in the Office Action dated March 20, 2006, that Horman does not explicitly teach the configuration files being accessed on the intelligent device itself. The Examiner submits that Mossman teaches this limitation in the abstract and FIG. 5. In the Response to Arguments section of the Office Action dated May 7, 2007, the Examiner states, “the Examiner clearly pointed out Mossman, not Horman, teaches the configuration files being accessed on the intelligent device itself.” However, the Examiner’s interpretation of Mossman is incorrect. As illustrated in FIGs. 3 and 5, data is collected from the user (not accessed from a configuration file on an intelligent device) and stored in the parameters values database 60 on the server. FIG. 5 and its accompanying description in Mossman clearly depict configuration documents 132 on the server, not on an intelligent device to be configured. Similarly, FIG. 3 of Mossman illustrates configuration parameters relations database 64 and parameter values database 60 on configuration system 10, which is on the server side of system 100 (see FIG. 5). Paragraph [0078] includes the following description of the operation of Mossman’s configuration system 10:

The aggregation phase 82 is an interactive state in which data to be applied to the system 12 is collected from the user 20 and stored in the parameters values database 60. For example, a graphical user interface (GUI) is displayed in display output 50 to the user 20 using information from the configuration parameter relations database 64 and formatted by the display formulation module 56 and the parameter display 54. The GUI display of information facilitates the collection of data, handled by the parameter selection module 58, that will be applied to accomplish the programming task.

Information displayed for the user comes from configuration parameter relations database 64, which is also on the server. Therefore, the Examiner’s additional citations in Mossman do not overcome the deficiency of Horman in teaching or suggesting *accessing a plurality of configuration files on the intelligent device*, as recited in claim 1.

In the Response to Arguments section of the Office Action dated May 7, 2007, the Examiner refers to Horman, column 5, lines 22-32 and asserts the citation defines what is in the configuration file. However, this citation describes what is included in a database definition and does not teach a configuration file as recited in claim 1. The Examiner states, “In order to collect the data from the user, it must be accessible to the server.” However, Applicant asserts that data obtained from a user through a graphical user interface (Mossman) and stored on a server is not analogous to accessing configuration files on an intelligent device (Claim 1). Applicant points out a user entering data through a user interface (Mossman, paragraph [0078]) as the source for the collection of data, is clearly not the same as claim 1, where the configuration files on the intelligent device are accessed in order to generate the batch configuration document. Claim 1 recites, *“accessing a plurality of configuration files on the intelligent device, wherein each of the one or more configuration files includes configuration information for one of the plurality of software components of the intelligent device.”* In contrast, Mossman paragraph [0078] reads, “The aggregation phase 82 is an interactive state in which **data to be applied to the system 12 is collected from the user 20** and stored in the parameters values database 60. For example, a graphical user interface (GUI) is displayed in display output 50 to the user 20...” With Mossman, there is no configuration file, instead there is a user entering data through a user interface. These are clearly two completely different methods, and with Mossman there is clearly no configuration file.

Moreover, the Examiner has not provided a proper reason to combine the references. The Examiner submits that at the time the invention was made, one of ordinary skill in the art would have been motivated to access configuration files on an intelligent device in order to configure a plurality of parameters of a target device, therefore optimizing the device for its intended use (Mossman [0005]). **The Examiner’s assertion is completely unsupported by the actual teachings of the references.** Mossman does not teach or suggest this limitation. Furthermore, Horman purposefully changes the configurations of its administered servers without this feature. In fact, the Examiner admits that “Horman does not explicitly teach the configuration files being

accessed on the intelligent device itself.” As shown above, the feature is not clearly not taught by Mossman either, whether considered alone or in combination with Horman. Thus, the Examiner’s reason to combine the references is based on teachings that are not actually present in the references. Therefore, the Examiner has failed to provide sufficient motivation to combine the references. Moreover, even if the references were combined, the resultant combination would not produce Applicant’s claimed invention, as shown above.

**Further regarding claim 1, contrary to the Examiner’s assertion, Horman in view of Mossman fails to teach or suggest *generating the batch configuration document from the plurality of configuration files, wherein the batch configuration document includes the configuration information for the plurality of software components of the intelligent device.*** The Examiner cites Horman (column 5, lines 43-55) as teaching this limitation. However, this citation describes generating synchronization instructions based on which batches of synchronization scripts apply to each administered server. There is nothing in this citation, or elsewhere in the combination of Horman and Mossman, that teaches or suggests that these synchronization scripts or synchronization instructions include configuration information for the plurality of software components of the intelligent device, as recited in claim 1. Regarding the batch file as taught by Horman, the Examiner, in the Response to Arguments section of the Office Action dated May 7, 2006, the Examiner states, “The batch file includes end-user application as well as database definition... The end-user application comprises software component, as well known in the art.” The Examiner has failed to describe how a batch file that includes an end-user application or a software component has any bearing on claim 1, which teaches, **configuration files includes configuration information for one of a plurality of software components.** Further, contrary to the Examiner’s assertion, Horman does not teach a batch file that includes an end-user application. Rather, Horman teaches different groups of users may use different applications that utilize databases that may be running different versions of database software. Column 5, lines 43-55, cited by the Examiner, states,

In the administered server environment, the setup and maintenance of any

database definition is accomplished by sets of scripts known as batches. Because the database definition can be different for each group, each group has its own set of batches. The batches that are specific to a group are known as group batches. Within a group, administered servers may run different versions of the end-user application, and each version of the end-user application may require its own database definition and data. Group batches are preferably associated with a particular application version.

**Also, regarding claim 1, Horman in view of Mossman fails to teach or suggest *the batch configuration document is accessible for use in configuring the plurality of software components of the intelligent device whose configuration files were used in said generating the batch configuration document*.** The Examiner cites Horman (column 5, lines 43-55 and line 66 – column 6, line 5) as teaching this limitation. However, as discussed above, neither of these citations teaches or suggests a batch configuration document for configuring a plurality of software components of an intelligent device whose configuration files were used in generating the batch configuration document. There is nothing in the combination of Horman and Mossman that teaches or suggests configuration files on an intelligent device or configuring a plurality of software components on the intelligent device whose configuration files were used in generating a batch configuration document.

In addition, contrary to the Examiner's assertion, the citation (column 5, lines 43-55) referred to above clearly does not teach "generating batches". It merely teaches scripts known as "batches" that are used for database definitions and data, but does not teach generating batches.

As the Examiner is no doubt also aware, to establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. As discussed above, Horman and Mossman, whether considered individually or in combination, do not teach or suggest all limitations of claim 1. Therefore, the Examiner has failed to establish a *prima facie* rejection of claim 1.

**Furthermore, the Examiner has additionally failed to establish a *prima facie* rejection since the Examiner has not established a proper reason to combine the teachings of Horman and Mossman.** Applicant reminds the Examiner that, “It is well-established that before a conclusion of obviousness may be made based on a combination of references, there must have been a reason, suggestion, or motivation to lead an inventor to combine those references.” *Pro-Mold and Tool Co. v. Great Lakes Plastics Inc.*, 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1629 (Fed. Cir. Feb. 1996). Applicant asserts that no such reason, suggestion, or motivation is present in the cited references.

In the Response to Arguments section of the Office Action, the Examiner asserts, “The Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.” The Examiner may recognize that a motivation or reason must be established; however, the Examiner has still not stated a proper reason to combine the teachings of prior art to produce the claimed invention. **Merely stating that the requirement is recognized does not fulfill the requirement.**

Therefore, for at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested.

Applicant’s discussion above regarding claim 1 applies also to claims 41, 66 and 70, which recite similar limitations. Therefore, for at least the reasons above, the rejection of claims 41, 66 and 70 are respectfully requested.

The Examiner rejected claim 16 under the same rationale as claim 1. **Applicants assert that the scope of claim 1 and claim 16 differ and since the Examiner failed to address the differences between claims 1 and 16, the Examiner has failed to state a *prima facie* rejection of claim 16.** In the Response To Applicant section of the Office Action, the Examiner asserts the scope of claim 1 and claim 16 are not different and

states, “The applicant fails to point out the differences between the two claims.” Following is a description of some of the differences between the two claims. Other differences may exist. Claim 1 recites, “A method for generating a batch configuration document for an intelligent device.” It includes, “accessing a plurality of configuration files on the intelligent device, wherein each of the one or more configuration files include configuration information for one of a plurality of software components of the intelligent device.” Therefore, claim 1 recites accessing a plurality of configuration files on the intelligent device and generates a batch configuration document. By comparison, claim 16 recites, “A method for configuring a plurality of software components of an intelligent device.” It includes, “accessing a batch configuration document, wherein the batch configuration document comprises configuration information for the plurality of software components of the intelligent device.” A result of the method recited in claim 16 is a plurality of configured software components of an intelligent device. Thus, the limitations of the methods of claims 1 and 16 are clearly different. Clearly, scope of claims 1 and 16 is not identical. **Since the Examiner failed to address the differences between claims 1 and 16, the Examiner has failed to state a *prima facie* rejection of claim 16. Applicant reminds the Examiner that it is the Examiner who shoulders the burden of proof to produce the factual basis for his rejection of each claim. In re Warner**, 154 USPQ 173, 177 (C.C.P.A. 1967), *cert. denied*, 389 U.S. 1057 (1968).

Therefore, for at least the reasons above, the rejection of claim 16 is not supported by the prior art and removal thereof is respectfully requested.

Applicant’s discussion above regarding claim 16 applies also to claims 68 and 70, which recite similar limitations for a tangible, computer-accessible storage medium.

The Examiner rejected claim 70 under the same rationale as claim 41. However, the scope of claim 41 differs from claim 70. For example, claim 70 recites **accessing a batch configuration document, wherein the batch configuration document comprises configuration information**. Claim 41 includes no such limitation. Claim 70 recites, **applying the configuration information from the batch configuration**

**document to one or more configuration files on the intelligent device.** Claim 41 includes no such limitation. Since the Examiner failed to address the differences between claims 41 and 70, the Examiner has failed to state a *prima facie* rejection of claim 70.

For at least the reasons above, the rejection of claim 70 is not supported by the prior art and removal thereof is respectfully requested.

**Regarding claim 33, contrary to the Examiner's assertion, Horman in view of Mossman fails to teach or suggest *generating a batch configuration document from a plurality of configuration files on a first intelligent device and configuring one or more software components of a second intelligent device using the batch configuration document generated on the first intelligent device.*** The Examiner rejected claim 33 under the same rationale as claim 1. However, the scope of claim 1 and claim 33 differs. The Examiner's citations in Horman fail to teach or suggest generation of a batch document for configuring software components of an intelligent device. There is also nothing in Horman or Mossman, or the combination thereof, that teaches or suggests generating the batch configuration document on a first intelligent device and using it to configure software components on a second intelligent device, as recited in claim 33. In the Response to Applicants section of the present Office Action, the Examiner asserts, "[t]he control server creates a synchronization script. The synchronization script is used to configure the administered servers." The Examiner seems to indicate the control server is analogous to the first intelligent device and the administered servers are analogous to the second intelligent device. However, the Examiner has not addressed **generating a batch configuration document from a plurality of configuration files on a first intelligent device and configuring one or more software components of a second intelligent device using the batch configuration document generated on the first intelligent device.** Neither Horman nor Mossman, together or separate, teach generating a batch configuration document on a first intelligent device and using it to configure software components on a second intelligent device. **Furthermore, since the Examiner failed to address the differences between claims 1 and 33, the Examiner has failed to state a *prima facie* rejection of claim 33.**



For at least the reasons above, the rejection of claim 33 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 48, Horman in view of Mossman fails to teach or suggest *an intelligent device, comprising a processor, a plurality of software components, a plurality of configuration files, wherein each... is associated with one of the plurality of software components, and wherein each... includes configuration information for its associated component, and a memory operable to store program instructions for generating a batch configuration document... from the configuration information accessed from each of the plurality of configuration files ... accessible for use in configuring the plurality of software components in the intelligent device*, as the Examiner contends. Moreover, as discussed above, the Examiner's citations in Horman fail to teach or suggest generation of a batch document for configuring software components of an intelligent device. There is also nothing in Horman or Mossman, or the combination thereof, that teaches or suggests an intelligent device comprising a plurality of software components, each with one or more configuration files, and a memory comprising program instructions for generating such a batch configuration document from configuration information in the configuration files, as recited in claim 48. In the Response to Arguments section of the Office Action, the Examiner states that claim 48 is not identical to claim 1, but asserts that any intelligent device, such as a computer comprises a processor, memory, software, etc. and that these features are inherent in Horman's administered servers. The Examiner has essentially rejected claim 48 under the same rationale as claim 1 and therefore the arguments made by Applicant for claim 1 apply to claim 48.

For at least the reasons above, the rejection of claim 48 is unsupported by the prior art and removal thereof is respectfully requested.

Regarding claim 56, contrary to the Examiner's assertion, Horman in view of Mossman fails to teach or suggest *a plurality of software components and a plurality of configuration files, wherein each of the plurality of configuration files is associated with*

*one of the plurality of software components, and wherein each of the plurality of configuration files includes configuration information for its associated component.* The Examiner cites Horman (abstract; column 1, line 66 – column 2, line 6) as teaching these limitations. However, as discussed above, neither of these passages describes configurable software components of an intelligent device, with associated configuration files including configuration information for the software components, as recited in claim 56.

Further regarding claim 56, Horman in view of Mossman fails to teach or suggest *the batch configuration document comprises configuration information for the plurality of software components of the intelligent device and apply the configuration information from the batch configuration document to the plurality of configuration files on the intelligent device.* The Examiner refers to Horman, figure 5A, as teaching these limitations. However, figure 5A describes a synchronization procedure in which parameters of sync scripts may be replaced with new values before being downloaded and executed on an administered server to synchronize it with its group. There is nothing in figure 5A, or elsewhere in Horman, that teaches or suggests applying configuration information from a batch document to configuration files located on the intelligent device, as recited in claim 56.

In the Office Action dated March 20, 2006, the Examiner admits that Horman does not explicitly teach the configuration files being accessed on the intelligent device itself. The Examiner submits that Mossman teaches this limitation in the abstract and FIG. 5. However, the Examiner is incorrect. As discussed above, FIG. 5 and its accompanying description clearly depict configuration documents 132 on the server, not on an intelligent device to be configured. Similarly, FIG. 3 of Mossman illustrates configuration parameters relations database 64 and parameter values database 60 on configuration system 10, which is on the server side of system 100 (see FIG. 5).

As illustrated in FIGs. 3 and 5, data is collected from the user (not accessed from a configuration file on an intelligent device) and stored in the parameters values database

60 on the server. Information displayed for the user comes from configuration parameter relations database 64, which is also on the server. Therefore, the Examiner's additional citations in Mossman do not overcome the deficiency of Horman in teaching or suggesting applying the configuration information from the batch configuration document *to the plurality of configuration files on the intelligent device*, as recited in claim 56.

The Examiner submits that at the time the invention was made, one of ordinary skill in the art would have been motivated to access configuration files on an intelligent device in order to configure a plurality of parameters of a target device, therefore optimizing the device for its intended use (Mossman [0005]). Applicant asserts, however, that Mossman does not teach or suggest this limitation. Furthermore, Horman changes the configurations of its administered servers without this feature. Therefore, the Examiner has failed to provide sufficient motivation to combine the references. The Examiner failed to address this point in the last Office Action.

For at least the reasons above, the rejection of claim 56 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 8, contrary to the Examiner's assertion, Horman in view of Mossman fails to teach or suggest *configuring the one or more of the plurality of software components of the intelligent device further comprises initializing each of the one or more of the plurality of software components, wherein said initializing uses the configuration information from the one or more configuration files associated with the particular component*. The Examiner cites Horman, column 7, lines 32-36 as teaching this limitation. However, this passage describes modeling an initial deployment by creating an install image based on the model office administered server. This has nothing to do with configuring a plurality of software components of an intelligent device, nor with initializing the software components using configuration information from associated configuration files. In the Response to Arguments section of the Office Action, the Examiner states, "It is well known in the art that in order to execute a

software, it must be initialized.” The Examiner has not addressed all of the limitations in the Applicant’s claims, such as **configuring a plurality of software components of an intelligent device further comprises initializing each of the one or more of the plurality of software components wherein said initializing uses the configuration information from the one or more configuration files associated with the particular component.**

For at least the reasons above, the rejection of claim 8 is unsupported by the cited art and removal thereof is respectfully requested.

Regarding claim 13, Horman in view of Mossman fails to teach or suggest the batch configuration document is a markup language document, as the Examiner contends. The Examiner cites Mossman (paragraph 0091) as teaching this limitation. While this paragraph describes configuration documents that are static files stored in an extensible Markup Language (XML) format, these documents are not batch configuration documents, as recited in claims 1 and 13. Instead, each is a configuration document containing instructions to manage a (single) configuration instance 80. There is nothing in this paragraph, or elsewhere in Mossman, that teaches or suggests a batch configuration document is a markup language document, as recited in claim 13. The Examiner has not cited anything in Horman or Mossman that teaches or suggests this limitation. In the Response to Arguments section of the Office Action, the Examiner states, “ Mossman teaches configuration files being XML format. The use of batch files have been known in the art. It being a mark up language is a matter of design choice. Therefore, although not explicitly taught, this feature is obvious in the art.” The Examiner has given no motivation to combine what is known in the art with the teachings of Horman and Mossman in his remarks regarding this or any other claim of the present invention, and there is nothing in these references to suggest such a combination.

For at least the reasons above, the rejection of claim 13 is unsupported by the prior art and removal thereof is respectfully requested.

Similar remarks as those discussed above regarding claim 13 apply also to dependent claims 14-15, 27-29, 35-36, 46-47, 54-55, 62-63, 69, and 72.

Regarding claim 30, Horman in view of Mossman fails to teach or suggest *the method as recited in claim 16, further comprising rebooting the intelligent device after said applying the configuration information from the batch configuration document to the one or more configuration files, wherein said rebooting applies the configuration information from the one or more configuration files to one or more of the plurality of software components of the intelligent device*, as the Examiner contends. The Examiner relies on Mossman (paragraph 0153) to teach this limitation. However, this paragraph teaches away from this limitation, by describing that, “If these settings were established directly to the system 12 a system reboot would be required,” but that “in the configuration system 10 of the present invention, the settings and the required reboot invocation are applied to the virtual system 16”, rather than directly to the actual system 12. Furthermore, there is nothing in this paragraph or elsewhere that describes that rebooting applies configuration information from one or more configuration files to one or more software components of the intelligent device, as recited in claim 30. In the Response to Arguments section of the Office Action, the Examiner states, “It is well known in the computer art that in order for any change or configuration to take place, the computer must be rebooted.” The Examiner has not cited anything in Horman or Mossman that teaches or suggests all of the limitations of claim 30. Finally, the Examiner has given no motivation to combine the teachings of Horman and Mossman in his remarks regarding this or any other claim of the present invention, and there is nothing in these references or what is well known in the art to suggest such a combination. Therefore, the rejection of claim 30 is unsupported by the prior art and removal thereof is respectfully requested.

Regarding claim 31, Horman in view of Mossman fails to teach or suggest *initializing one or more of the plurality of software components of the intelligent device after said applying the configuration information from the batch configuration document to the one or more configuration files, wherein, in said initializing, each of the one or more of the plurality of software components is initialized using the configuration information from each of the one or more configuration files associated with the particular component*, as the Examiner contends. The Examiner relies on Mossman (paragraph 108) as teaching this limitation. This paragraph describes only that a web server has the responsibility to “verify that the system output interface 66 can be initialized on start-up”. This has nothing to do with initializing one or more software components of an intelligent device after applying configuration information from a batch document to configuration files or with initializing each software component using configuration information from its associated configuration file. Nowhere does Horman, Mossman, or any combination thereof, teach or suggest this limitation. Furthermore, the Examiner has given no motivation to combine the teachings of Horman and Mossman in his remarks regarding this or any other claim of the present invention, and there is nothing in these references or any other art of record to suggest such a combination. Therefore, the rejection of claim 31 is unsupported by the prior art and removal thereof is respectfully requested.

Regarding claim 6, the Examiner admits that Horman in view of Mossman and Shafron fails to teach or suggest *generating the batch configuration document comprises generating a Document Object Model (DOM) tree from each of the accessed configuration files, wherein the configuration information incorporated in the configuration document is accessed from the DOM trees generated from the plurality of configuration files*. The Examiner relies on Shafron as teaching this limitation and cites paragraphs 0005, 0032, and 0052. In the Response to Arguments section of the Office Action, the Examiner states, “As suggested by Shafron, one of ordinary skill in the art would employ a DOM as a matter of design choice [0032].” These paragraphs describe scripts that may be used to manipulate a Document Object Model (DOM), such as for

adding functionality to a web page. This has nothing to do with generating a Document Object Model (DOM) tree from each of a plurality of accessed configuration files.

Therefore, for at least the reasons above, the rejection of claim 6 is not supported by the prior art and removal thereof is respectfully requested.

Similar remarks apply also to claims 21, 50, and 67 which recite limitations involving generating one or more DOM trees comprising information from one or more configuration files; to claims 19, 57, 58, and 71, which recite limitations involving generating a DOM tree comprising information from a batch configuration document; and to claims 20, 22, 57, 59, and 71, which recite limitations involving applying information from a DOM tree to a configuration file associated with a component, all of which the Examiner submits are taught by Shafron in paragraph [0005], [0032], and [0051]. Applicant asserts that these paragraphs do not teach all the limitations of these claims, as the Examiner's citations have nothing to do with generating or accessing DOM trees containing information from or for configuration files. In addition, the Examiner has not established a proper motivation to combine the cited references to teach the limitations of these claims in his remarks regarding these claims.

For at least the reasons above, the rejection of claims 19-22, 50, 57-59, 67, and 71 is unsupported by the cited art and removal thereof is respectfully requested.

In addition, the Examiner submitted that claims 48-55 are similar to claims 41-47 and rejected claims 48-55 under the same rationale as claims 41-47. However, claim 50 is directed toward completely different subject matter than claims 41-47. The Office Action of May 7, 2007 does not include any remarks by the Examiner addressing the subject matter of claim 50, which, as discussed above, is not taught or suggested by Horman in view of Mossman.

Similarly, the Examiner rejected claims 43-44 under the same rationale as claims 3-4. However, the scope of claim 43 and claim 3 differs, and claim 44 is directed toward

completely different subject matter than claim 4. Applicant notes that the Examiner failed to address the differences between claims 43 and 3, and failed to include any remarks regarding the subject matter of claim 44.

Applicant reminds the Examiner that in order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). Since the Examiner failed to even attempt to establish *prima facie* case of obviousness in his rejection of claims 43-44, 50, 67, and 71, the rejection of these claims is improper.

For at least the reasons above, the rejection of claims 43-44, 50, 67, and 71 is unsupported by the cited art and removal thereof is respectfully requested.

Applicant also asserts that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

Applicant notes that the Examiner has not included any new or additional arguments or rebuttal in his remarks regarding the rejection of many of the claims, including claims 2-5, 7-15, 17-18, 20-32, 34-40, 42-47, 49-55, 57-65, 67, and 69-72.



## **CONCLUSION**

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-78701/RCK.

Respectfully submitted,

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